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Art Unit: 2113

REMARKS

Claims 1-4, 6-9, 11, 13, 15, 16, and 18-30 are currently pending. Claims 5, 10, 12, 14, and 17 have been canceled without prejudice. Claims 1, 6-9, 11, 13, 15, and 16 have been amended according to the Patent Office recommendations. It is respectfully submitted that no new matter has been added.

The Patent Office is thanked for its allowance of claims 19-30 and its indication of patentable subject matter in claims 5, 6, 14, 15, and 17.

The Patent Office rejected claims 1, 2, 7, 8, 9, and 11 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Patent Office asserted "The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." The paragraphs that follow this assertion are similar to the first paragraph after this assertion, which paragraph asserts: "In claim 1, lines 14-15, a rebuild block overwriter that overwrites a rebuilt object block on one of the copied object block and an original object block that is an original of the copied object block is not supported in the Applicant's disclosure, for example paragraph 0044." Applicant believes that paragraph 0051 of Applicant's published patent application as well as Applicant's Figure 5 provide enablement for a rebuild block overwriter as claimed.

Applicant's paragraph 0051 recites as follows:

[0051] For example, in the stripe 1, the block rebuilder 70 rebuilds the defective data block DB1b based on the data blocks DB1a, DB1c, and DB1d and the copied block PB1. The rebuild block overwriter 75 overwrites the rebuilt data block DB1b on the original block PB1 in the storage device 30e or the copied block PB1' in the storage device 30f. In FIG. 6, the rebuilt data block DB1b has been overwritten on the copied block PB1'.

Applicant asserts that paragraph 0051 of Applicant's published patent application as well as Figure 5 sufficiently enables the subject matter noted by the Patent Office to one of ordinary skill in the art and requests that the Patent Office withdraw its rejection of claims 1, 2, 7, 8, 9, and 11 under 35 U.S.C. 112, first paragraph.

The Patent Office rejected claims 9 and 11-15 under 35 U.S.C. 101 asserting that these

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claims were directed to non-statutory subject matter.

Claims 9 and 11-15 have been amended in accordance with the Patent Office's suggested claim language. It is respectfully submitted that no new matter has been added and respectfully requested that the Patent Office withdraw its rejection of claims 9 and 11-15 under 35 U.S.C. 101.

The Patent Office rejected claims 1-4, 7-13, 16, and 18 under 35 U.S.C. 102(b) as being anticipated by Chen, "ACM Computing Surveys."

For a claim to be anticipated, each and every non-inherent claim limitation must be disclosed in a single reference. MPEP 2131.

Claims 1, 7, 8, 9, and 16 have been amended to incorporate indicated-as-allowable subject matter from claims 5, 14, and 17. It is respectfully submitted that no new matter has been added.

Applicant believes that all claims are allowable for the reasons presented on pages 9-10 of the Office Action dated December 28, 2006.

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(b) based on Chen, and to allow all of the pending claims 1-4, 6-9, 11, 13, 15, 16, and 18-30 as now presented for examination. An early notification of the allowability of the pending claims is earnestly solicited.

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Respectfully submitted:

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